

REMARKS

The examiner withdrew the prior grounds for rejection and entered a new ground of rejection. In the final office action of April 9, 2004, claims 1-17 were rejected under 35 U.S.C. §103 (a) as unpatentable over U.S. Patent No. 6,052,723 to Ginn (hereinafter "Ginn") in view of U.S. Patent No. 6,370,355 to Ceretta, *et al.* ("Ceretta"). The examiner cites Ginn for most of the claim elements, and Ceretta for sending follow-up messages.

Applicants disagree that Ginn teaches the elements for which it is cited. With regard to claim 1, Ginn fails to teach or suggest automatically forwarding to the participants' group a response by the participant to a first-round question. Specifically, Ginn does not propose or indicate "for one or more of the sending participants, automatically sending the received first-round message to one or more other participants with whom the sending participant is grouped," as recited in claim 1.

The examiner cites item 78, Fig. 11 and col. 9, lines 10-12 of Ginn as teaching this element. In fact, lines 10-12, which constitute part of the description of Fig. 11, teach that, "The leader can then review the 3 conversations in storage, choose one, and play this conversation for the 90 participants." When a 'leader,' meaning a person, personally reviews several responses, selects one, and then manually plays this response to a group, this cannot be considered "automatically sending the received first-round message" as claimed. Similarly, item 78, Fig. 11 contains the caption: "Based Upon Examination, Update Switches and Send Messages to Users." Here, Ginn again fails to teach "automatically sending"; instead, in item 78 Ginn describes manually sending messages, based upon examination by a human moderator.

Ginn thus teaches away from the claimed invention. Rather than organizing a dialogue by dividing participants into groups and circulating participants' messages within the group automatically, Ginn seeks to manually adjudge the best response made by any participant, and after determining which response is the best, to manually send that message to all participants.

Claims 8-12 were deemed to be system claims similar to claims 1-7, and the examiner treated them as such. Applicants are adding the word "automatically" to claim 8, which should be acceptable as the examiner treated claim 8 as if this term were already present. As with claim 1, Ginn does not teach or suggest such automatic sending.

Attorney's Docket No.: 108087.119 US2

None of the art cited by the examiner teaches or suggests the limitation in question, and accordingly the combination does not contain all of the elements of the claimed invention. Consequently, there is no prima facie case of obviousness.

If this response does not put this application in condition for allowance, the examiner is urged to contact Applicants' attorneys at the telephone number listed below.

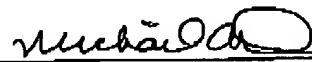
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For at least the reasons stated above, claims 1-17 are allowable and a notice of allowance is requested.

Please apply any debits or credits relating to this matter to Deposit Account No. 08-0219, and consider this a request for any extension that may be due.

Respectfully submitted,

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